

First Published in the Wichita Eagle on September 13, 2013

RESOLUTION NO. 13-163

RESOLUTION OF FINDINGS OF ADVISABILITY AND RESOLUTION AUTHORIZING CONSTRUCTING PAVEMENT ON **GEORGIA AVENUE FROM THE WEST LINE OF HYDRAULIC AVENUE TO AND INCLUDING A CUL-DE-SAC WEST OF LOT 6, BLOCK 2 OF LOUIS 4TH ADDITION (WEST OF HYDRAULIC, SOUTH OF MACARTHUR) 472-85107** IN THE CITY OF WICHITA, KANSAS, PURSUANT TO FINDINGS OF ADVISABILITY MADE BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS.

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS, THAT THE FOLLOWING FINDINGS AS TO THE ADVISABILITY OF AUTHORIZING CONSTRUCTING PAVEMENT ON **GEORGIA AVENUE FROM THE WEST LINE OF HYDRAULIC AVENUE TO AND INCLUDING A CUL-DE-SAC WEST OF LOT 6, BLOCK 2 OF LOUIS 4TH ADDITION (WEST OF HYDRAULIC, SOUTH OF MACARTHUR) 472-85107** IN THE CITY OF WICHITA, KANSAS, ARE HEREBY MADE TO-WIT:

SECTION 1. That it is necessary and in the public interest to construct pavement on **Georgia Avenue from the west line of Hydraulic Avenue to and including a cul-de-sac west of Lot 6, Block 2 of Louis 4th Addition (west of Hydraulic, south of MacArthur) 472-85107.**

Said pavement shall be constructed of the material in accordance with plans and specifications provided by the City Engineer.

SECTION 2. That the cost of said improvements provided for in Section 1 hereof is estimated to be **Three Hundred Three Eighty Thousand Dollars (\$380,000)** exclusive of the cost of interest on borrowed money, with **93.66** percent payable by the improvement district and **6.34** percent payable by the City-at-Large. The actual assessed cost shall not exceed the estimated assessed cost by more than 10%, exclusive of the cost of interest on borrowed money. If, at the time the City Engineer bids or is ready to bid the project for construction, it appears that the final cost will exceed this amount, this project will be abandoned and rescinded by the City Council. In order to re-establish the project, a new petition with an increased budget must be circulated and submitted. This petition shall be considered null and void if it is not filed with the City Clerk within one year of the preparation date of **April 1, 2013.**

SECTION 3. That all costs of said improvements attributable to the improvement district, when ascertained, shall be assessed against the land lying within the improvement district described as follows:

LOUIS 4TH ADDITION

Lots 14 through 26 Inclusive, Block 1
Lots 6 through 10 Inclusive, Block 2

LOUIS 5TH ADDITION

Lots 3 through 16 Inclusive

UNPLATTED TRACT

In Section 16, Township 28S, Range 1E

SECTION 4. That the method of apportioning all costs of said improvements attributable to the improvement district to the owners of land liable for assessment therefore shall be on a **square foot** basis.

Where the ownership of a single lot is or may be divided into two or more parcels, the assessment to the lot so divided shall be assessed to each ownership or parcel on a square foot basis. Except when driveways are requested to serve a particular tract, lot, or parcel, the cost of said driveway shall be in addition to the assessment to said tract, lot, or parcel and shall be in addition to the assessment for other improvements.

SECTION 5. That payment of said assessments may indefinitely be deferred as against those property owners eligible for such deferral available through the Special Assessment Deferral Program.

SECTION 6. That the City Engineer shall prepare plans and specifications for said improvement and a preliminary estimate of cost therefore, which plans, specifications, and a preliminary estimate of cost shall be presented to this Body for its approval.

SECTION 7. Whereas, the Governing Body of the City, upon examination thereof, considered, found and determined the Petition to be sufficient, having been signed by the owners of record, whether resident or not, of more than Fifty Percent (50%) of the property liable for assessment for the costs of the improvement requested thereby; the advisability of the improvements set forth above is hereby established as authorized by K.S.A. 1980 Supp. 12-6a01 et seq.

SECTION 8. Be it further resolved that the above described improvement is hereby authorized and declared to be necessary in accordance with the findings of the Governing Body as set out in this resolution.

SECTION 9. That the City Clerk shall make proper publication of this resolution, which shall be published once in the official City paper and which shall be effective from and after said publication.

PASSED by the governing body of the City of Wichita, Kansas this 10th day of
September, 2013.

CARL BREWER, MAYOR

ATTEST:

KAREN SUBLETT, CITY CLERK

(SEAL)

APPROVED AS TO FORM:

GARY E. REBENSTORF
DIRECTOR OF LAW